

PROB 12C
(7/93)

Report Date: February 3, 2014

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

FEB 03 2014

Eastern District of WashingtonSEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Daryl McCann

Case Number: 0980 2:05CR00168-003

Address of Offender: :

Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 13, 2006

Original Offense: Conspiracy to Possess with Intent to Distribute 50 Grams or More of Actual
Methamphetamine, 21 U.S.C. § 846, 841(a) and (b)(1)(A)Original Sentence: Prison 120 months;
TSR - 120 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Pamela J. Byerly

Date Supervision Commenced: July 12, 2013

Defense Attorney: Roger Peven

Date Supervision Expires: July 11, 2023

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: On January 31, 2014, Mr. McCann was arrested for First Degree Burglary (DV), in violation of RCW 9A.52.020, a class A felony punishable up to life in prison. The police incident report indicates the offender unlawfully entered the residence of his estranged girlfriend, and assaulted her when she attempted to contact law enforcement. In the process, he also broke two cell phones that she had been attempting to use to request assistance from law enforcement.

In addition to the felony charge, Mr. McCann was also arrested for the following: Fourth Degree Assault (DV), in violation of RCW 9A.36.041; Interfering with Reporting of Domestic Violence, in violation of RCW 9A.36.150; and Malicious Mischief (DV), in violation of 9A.48.090(G)(DV). All three charges are classified as gross misdemeanors and are punishable by up to 1 year in jail.

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2 **Special Condition # 18:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: In relation to the incident and arrest that occurred on January 31, 2014, the victim reported that Mr. McCann appeared to be under the influence of alcohol, and the victim could smell intoxicants on his breath. At the time of arrest, officers reported smelling intoxicants upon the offender.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/03/2014

s/Matthew L. Thompson

Matthew L. Thompson
Supervising U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

2/3/14
Date